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LETTER

To the Right Reverend the
LORD BISHOP OF EXETER,

FROM
Mr. RICHARD ROBINSON

AND

Mr. DANIEL BODDY,

Churchwardens of FULMER in BUCKINGHAMSHIRE,

Concerning the Abuse of

Sir MARMADUKE DARELL's Charity.

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TO THE READER.

I HAVE frequently heard, at different places in the kingdom, complaints made by several persons of fraudulent abuses and mismanagement of their charities ; and I have thought, from some instances, which have more immediately fallen under my observation, that these complaints were but too well founded.

Indeed I am told, the present forms, as prescribed by the law, for enforcing the due and proper application of charity-money to the purposes it is given, are, in general, so tedious and expensive, that those who are inclined to assist the poor in maintaining their rights against their oppressors, most commonly are discouraged from undertaking it ; and from hence it is, I believe, that trustees of charities finding, too often, they can go on with impunity their own way in embezzling or misapplying the poor's money, disregard their complaints, and bid defiance to the laws. I suppose this is understood to be so much the truth, as to have occasioned the following paragraph in the news-papers last November ; viz,

“ WE hear an enquiry will be made into the
“ several respective charities for the relief of the
“ poor throughout this kingdom, and in what
“ manner they are disposed of ; as, upon a mo-
“ derate calculation, the above charities amount
“ to three millions sterling annually.”

I have,

I have, since the reading this, been attentive to the proceedings of Parliament; thinking that the Legislature might probably take this matter into their consideration; but nothing as yet has been done to promote such an inquiry, that I know of. And it is upon this account, partly, I have been induced to lay before the public the following letter, which, containing a plain detail of facts, may serve to shew, in some sort, the propriety of such an inquiry; at least it may probably furnish some useful hints to those who have leisure to demonstrate more fully the expediency of it. However, I must observe, that had the dignified person, to whom the following letter was wrote, discovered a disposition to rectify, as he ought, the abuses of the charity complained of, it would never have been offered to the public view. But as he has not vouchsafed to take any notice of it, and the poor are still kept out of the benefit of the charity-money, this, I suppose, will be thought a reason sufficient, without assigning any other, for the publication of it.

J. S.

A LETTER

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LETTER, &c.

MY LORD,

WE persuade ourselves that it will not be thought improper, after the several applications made to your lordship proving ineffectual, that we should take this method of conveying our sentiments to your lordship, upon the management of sir Marmaduke Darell's charity, which is of great importance to our small parish.

It is true, the parishioners have been foiled and foiled again in their attempts to come at a certain knowledge of this charity; but a late unexpected discovery enables us to state the truth to your lordship, with more precision and exactness: and we hope that our honestly endeavouring to discharge what we think an indispensable duty upon us as church-wardens, will meet with your lordship's approbation. Indeed, we cannot help thinking, that the bringing the hidden things to light, and asserting the rights of the poor, are commendable works, and such as your lordship must approve of; but, however, if we should be under any mistake in our ideas on this head, we have to say

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in vindication of our conduct, we are taught to
 " let our light shine before men, that they may
 " see our good works."

Most of the parishioners have been for many years exceedingly dissatisfied with Mr. Willis's taking to himself the entire management of the charity, and not applying the charity-money in so many years to the uses it had formerly been applied, and in keeping them so long and so much in the dark about it, that for want of an opportunity of reading the charity-deed and the accompts, they were greatly at a loss to know what measures to take, to have the charity looked into, and the abuses rectified, they thinking the poor ought not to be deprived of any of the benefits intended them by sir Marmaduke Darell; and that it is a great hardship that the minister should withhold that from them, which they have an undoubted right to, independant of his will and pleasure.

This is the foundation of their complaint, and of the several applications which have been made to your lordship on their behalf. In regard to the two first applications, we shall have no need to make any other remark, than that the promise you was pleased to make the gentleman, who waited upon you, has not yet been performed, viz. that he should see Mr. Willis's accompts. But in respect to the last application, we beg leave to put your lordship in mind of all the particulars, as we imagine it will conduce much to place the facts we would submit to your consideration in their true light; and, therefore, your lordship will please to recollect, that two servants who had lived seven years in their places in the parish, and a poor boy desirous of being put out apprentice, preferred a petition to your lordship about a year ago, which stated sir Marmaduke Darell's charity, as it could be then collected from the information of the old parishioners,

parishioners, viz. That the income of the charity was 21l. 4s. a year; that six-pence in money and six-penny-worth of bread were to be given weekly to six poor widows, and the residue of the said yearly sum was to be applied in keeping the church of Fulmer in necessary repair, allowing 5l. to such servants as should continue in their service seven years in the said parish, and in putting out poor children apprentice, as the same should arise and be sufficient for such purposes; that the dean of Windsor was empowered by the said charity-deed to inspect the said charity, and to see that the said yearly sum was honestly applied to the purposes for which it was given; that the minister of Fulmer had received the said yearly sum of 21l. 4s. for upwards of 24 years, amounting in the whole to 529l. 16s. or thereabouts; and that he never rendered any accompt to the deans of Windsor, or to any one else, to the knowledge of the parishioners; that after paying the six poor widows their weekly allowance, if the same had been properly and fairly paid, without intermission, there would be a clear sum of 5l. 12s. yearly accruing, to be applied to other purposes mentioned in the said sir Marmaduke Darell's deed; which in twenty-four years would amount to 134l. 8s. or thereabouts; that before the said Mr. Willis had the receipt of the said charity-money, after paying the six poor widows their weekly allowance, and keeping the church in repair, there was a yearly saving out of the said sum, sufficient to pay the allowance to such servants who continued in their places for seven years, and also to put out poor boys apprentices; but since the said Mr. Willis had the management of the said charity, little money had been expended in repairing the church, and no poor boy put out apprentice, or servant who had serv'd seven years, paid the gift; that it was apprehended

hended there was a considerable surplus of the said charity-money in his hands, which ought in conscience to be applied to the uses for which it was given; that several of the parishioners had frequently inquired of Mr. Willis about the application of the said charity-money, but he always avoided giving them the satisfaction of knowing how he disposed of the same, saying, he was accountable to no body, and evading by some means or other the letting them know, that the charity-money received by him had been fairly and conscientiously applied to the purposes for which it was given; that one of the petitioners had lately applied to the said Mr. Willis to have the benefit of the said charity, as he had served upwards of seven years in the said parish, but he refused giving him any satisfaction therein; wherefore the said petitioner prayed your lordship, that you would be pleased to order the said Mr. Willis to account for the charity-money he had received yearly for the purposes aforesaid, to the end it might appear, how far he had applied the same, and that they might, out of the surplus in his hands unapplied respectively, have the benefit thereof agreeable to the benevolent intention of the donor.

And, if your lordship will please to remember, at the foot of this petition, we, and several others of the principal parishioners, testified our approbation thereof by a subscription, signifying we thought it reasonable Mr. Willis should render a fair accompt of all the charity-money he had annually received, and that the surplus in his hands, which we thought considerable, should be applied to the purposes for which it was given, and that the petitioners should have such benefit as they were respectively intitled to.

And, if your lordship will please to recollect, a few months after this petition was presented to you,

you, one of the petitioners hearing of your being at Windsor, waited upon you, to know your pleasure thereupon ; and you ordered him to acquaint Mr. Willis, and us the church-wardens, you would have us come over to you at Windsor the Monday following ; and accordingly we all attended your lordship at the time appointed, when your lordship was pleased to ask, if we had signed the petition ? And, upon our answering in the affirmative, you required to know why we did it ? And we told your lordship, for the good of the parish ; and we desired that the charity-deed and Mr. Willis's accompts might be read at a vestry, that the parishioners might know how the charity-money had been disposed of. But your lordship said, *We had nothing to do with the charity, for that Mr. Willis was accountable to you, and you was accountable to no body* ; and, upon one of us saying, then we had no business there, your lordship made answer, “ that you sent for us over to acquaint us that neither we nor the parishioners had any thing to do with Mr. Willis's accompts ; that he had accounted to you, and there was money in hand ; and you would order 20l. to be laid out upon the church.” And upon its being objected to Mr. Willis, before your lordship, that he ought not, for his own credit, to be against the parishioners seeing his accompts, he declared he was not obliged to show his accompts, and that we never should see them. We must acknowledge that we were then so ignorant of sir Marmaduke Darell's charity-deed, which had been so long concealed, that we were incapable of undeceiving your lordship, and could make no reply ; but supposing it exactly as your lordship had declared, that we had nothing to do with the charity, it seemed odd to us that the parishioners should be denied a sight of Mr. Willis's accomp^t, how he had applied the charity-money which was given for

for the use of the parishioners. And indeed, we must be so free to own, we thought the refusal of a request, which could not but appear reasonable, implied much more than we shall take the liberty to express, and shall leave it to be guessed, what we think of him, who sets up for a preacher of righteousness, and judgment to come, and yet is afraid to submit his management of the charity to the view of his parishioners.

But what of all other things must appear most extraordinary, is, that Mr. Willis, who being perfectly acquainted with the charity-deed, he having a copy, should stand by in silence, and hear what past, and yet suffer your lordship to pronounce so solemn a judgment directly contrary to the express meaning of the charity-deed, as we are able and shall show your lordship in the sequel of this letter. Treated after this manner, we returned home with the disagreeable news to the parishioners, who were impatient to hear what your lordship had done for them in this affair; and exceedingly disappointed they were, when we reported what your lordship had said to us, and many observations were made by them, which we shall not presume to trouble your lordship with. However, some remarked, that if Mr. Willis was then to be countenanced in keeping the charity secret, and under his entire management, his successor would undoubtedly claim the same privilege; and the charity would hereafter become so much under the power of the minister, he might do as he pleased with the money.—Several charities had sunk into oblivion, by non-application of the money, acquiescence, and length of time; so what had happened to other parishes, might possibly happen to the parish of Fulmer. But, notwithstanding this, and the general dissatisfaction which your lordship's sentence had given, your high

high rank and station in the church, seemed to have stamped such authority upon what you had declared, that they concluded nothing further could be done, and despaired of ever seeing the charity set to rights. And this was considered so much to be the case, that others, no well-wishers to the parish, spoke and acted as if an entire victory was obtained over the parishioners: but we, for our parts, saw no room for exultation upon a defeat of this sort, which could not possibly add any honour to the minister of our parish.

Truth, it must be confessed, may be suppressed or obscured for a while, by the art of man, but it seldom fails, sooner or later, to vindicate it's own native force and power; and this seems verified in the case before your lordship, for a gentleman, who has shown his kindness to the parish, did, some short time after we had been with your lordship, and when we least expected it, procure us a copy of sir Marmaduke Darell's deed, which expresses the very reverse of what you was pleased to declare to us.

And we must own that it appears so very extraordinary, that your lordship should send for us over to Windsor, to inform us we had nothing to do with the charity, that we can't help thinking your lordship must, by some means or other, have been grossly deceived and imposed upon: and we imagine we shall do your lordship no small service, if, by laying before you a true state of this affair, we enable you to judge with certainty how and by whom your lordship was led into such great mistakes about this charity.

Hitherto we have as briefly as possible given your lordship a fair and impartial detail of what was done and said, previous to our coming to the knowledge of the charity-deed, and now we beg
your

your lordship's indulgence, while we relate what has been done since the discovery of the same.

The first step, after we knew the purport of the charity-deed, was to serve Mr. Willis with the following notice, which was signed by us, and several other parishioners, viz.

" Mr. W I L L I S,

" We the underwritten parishioners of the parish of Fulmer, having lately received information, that the ledger-book, wherein the disbursements and payments of sir Marmaduke Darell's charity were formerly entered, ought to have been constantly kept in the parish church of Fulmer, under the care of the parish-clerk, according to the directions given for that purpose by the said sir Marmaduke's charity-deed, but that you did, a great many years ago, take into your custody the said ledger-book, and also a copy of the said charity-deed, which had been usually kept in the said parish for the inspection and use of the parishioners; and we also have been credibly informed, that upon inquiry lately made of the parish-clerk, for the said book, he declared, he knew not where the same was kept, whether in the church or not, he not having the keeping thereof; and we being sensible, that you have assumed to yourself the sole management of the said charity for a great length of time, contrary to the express terms of the said deed, excluding the church-wardens therefrom, and keeping the said ledger-book secret and concealed from the view of the parishioners, which we think of ill consequence to the poor of the said parish; and, therefore, in virtue of the authority and power we have to see that the trusts of the said charity are properly and rightly discharged;

" discharged; We do here give you notice and
 " do require and expect that you forthwith
 " deliver the said ledger-book to the said pa-
 " rish-clerk to be by him henceforth kept in
 " the said parish-church, that the same may
 " remain there under his care, ready to be
 " produced for the inspection of the church-
 " wardens, and all others it may concern, from
 " time to time, as occasion shall require, accord-
 " ing to the true intent and meaning of the said
 " charity-deed; and in case you have not
 " registered in the said ledger-book the dis-
 " bursements and payments made by you out of
 " the charity-money, which you have from time
 " to time received, we desire that you will, within
 " six days from the date hereof, deliver or cause to
 " be delivered to the said clerk a true copy
 " of the accompt you have kept of the disburse-
 " ments and payments made from time to time
 " out of the charity-money received by you, to
 " the end that the same accompt may be kept in
 " the said parish church, and remain there under
 " his care for the purposes aforesaid. Witness our
 " hands, this 13th day of November, 1768.

Mr. Willis having got intelligence that a paper
 was handed about and signed by the parishioners,
 he was afraid it might be relative to the charity,
 and one of us offered the above notice to him on
 a Sunday after divine service. He spurned at it, and
 threw it from him with the greatest indignation;
 but, afterwards, when his passion subsided a little,
 he thought better of it, and took the said notice.
 And as Mr. Willis knew that a vestry was to be held,
 a few days after the delivery of the notice to him,
 we and several of the parishioners attended in
 expectation of seeing the said ledger-book; and the
 parish clerk being present, was questioned about it.

but he declared he knew not where it was; and Mr. Willis, we were informed, was gone from home the day before, without sending any excuse for withholding the said ledger-book from the view of the parishioners. Baffled thus, we were fully convinced Mr. Willis meant still to delude us: and the gentleman who procured us a copy of the charity-deed being present, and perceiving this, judged it proper to read and explain it, that all there might clearly understand what sir Marmaduke Darell's charity really was. This gave great general satisfaction to the parishioners, as they testified by several demonstrations of joy on this occasion. And as we mean to submit to your lordship's consideration our remarks with the utmost fairness and candor, it may be proper to lay before your lordship a copy of the charity-deed, as it came to our hands; wherein it will evidently appear what we and the rest of the parishioners have to do with the charity. It is as follows:

“ THIS indenture, made the sixth day of November, in the fifth year of the reigne of our soveraigne lord Charles, by the grace of God, of England, Scotland, France, and Ireland, King, defender of the faith, &c. between sir Marmaduke Darell, of Fulmer, in the county of Bucks, knight, cofferer of his majesty's most honourable housshould, of the one parte, William Mathews of Fulmer aforesaid, gent. Robert Wallis, William Allen the eldere, Henry Trumper, Thomas Newton, Christopher Wastall, John Butterfeild, and George Tredway, of the same parish and county, yeoman, of the other parte, witnesseth, That whereas the said sir Marmaduke Darell hath theretofore, for the zeal which he beareth to God's house, and for the love and charity which he beareth towards the

" the parishioners of Fulmer aforesaid, and for
 " the performance of the charitable uses hereafter
 " expressed to the churche of Fulmer aforesaid,
 " and the parishioners there, hath, of his free be-
 " nevolence, given and delivered to the said Wil-
 " liam Mathews, Robert Wallis, William Allen
 " the elder, Henry Trumper, Thomas Newton,
 " Christopher Waftall, John Butterfeild, and
 " George Tredway, the some of three hundred
 " and twenty pounds of current Englishe money,
 " to be by them layed out and bestowed in lands
 " of the cleare yearly value of sixteene pounds
 " above all reprises, to be employed uppon and
 " towards the performance of the charitable works
 " hereafter mentioned: And whereas they the
 " said William Mathews, Robert Wallis, William
 " Allen the eldere, Henry Trumper, Thomas
 " Newton, Christopher Waftall, John Butterfeild,
 " and George Tredway, with the said some of
 " three hundred and twenty pounds, have pur-
 " chased, to them and theire heires, from John
 " White, gent. and Roger Nashe, yeoman, a
 " messuage and divers lands in Iver and Langly-
 " Marsh, in the county of Bucks; and by the
 " good likeing and approbation of the said sir
 " Marmaduke Darell have leased and demised
 " the said messuage and lands to the said John
 " White for the terme of one thousand years, re-
 " serving to them and their heires the yearly rent
 " of sixteene pounds, payable at the feast-days of
 " the Annunciation of the Blessed Virgin Mary,
 " and St. Michael the Archangel, by even and
 " equal portions. Now this indenture further
 " witnesseth, and it is hereby covenanted, con-
 " cluded, and agreed uppon, by, and between
 " all the said parties to these presents; and the said
 " William Mathews, Robert Wallis, William Al-
 " len the eldere, Henry Trumper, Thomas New-

ton, Christopher Wastall, John Butterfeild, and
 George Tredway, do for themselves, their heires
 and assignees, covenant, promise, and grante,
 to and with the said sir Marmaduke Darell, his
 heires and assignees, that in discharge and per-
 formance of the trusts and confidence reposed
 in them, they the said William Mathews, Ro-
 bert Wallis, William Allen the eldere, Henry
 Trumper, Thomas Newton, Christopher Wast-
 all, John Butterfeild, and George Tredway,
 and the survivor and survivors of them, theire
 heires and assignees, shall and will employ the
 said sixteen pounds yearly to the several use and
 uses, intents and purposes, hereafter specified
 and declared; that is to say, Five pounds per ann.
 parcel thereof, to be by them, and the survivors
 of them, payed half-yearly to the parson-in-
 cumbent or curate-resident of the said parish-
 churche of Fulmer aforesaid, and to his and
 theire successors, and the church-wardens of the
 same churche for the time being, to be by them
 employed and bestowed for and towards the re-
 parations of the said parrish-churche of Fulmer
 aforesaid, and for and towards the provision of
 books, ornaments, and things necessary to be
 used in the churche, and for and towards the
 putting forth of poore children of the said
 parrishe to be apprentices, whose parents should
 not be found able to place them, and for and
 towards the provision of marriage-portions to
 and for such poor servants within the said par-
 ishe as have honestly and faithfully served theire
 masters, mistres, or dames, by the space of
 seven years together at the least; provided al-
 ways, that noe portion so to be given to any
 man farvante exceede the some of three pounds,
 nor to any maid farvante the some of fiftie shil-
 lings; And the said parson and church-wardens,

" at

" at the end of every yeare are to render and de-
 " liver up theire accompts in writing of the dif-
 " posinge and bestowinge of the said annual some
 " of five pounds unto the said sir Marmaduke Da-
 " rell and his heires ; and if there shall be restinge
 " in theire hands any surplufage upon theire ac-
 " compts, then the same is to remaine in the
 " hands of the said parfon and church-wardens
 " for the time being, to be as a stock for the fur-
 " ther relief of the poore of the said parrishe, as
 " shall from time to time be thought fitt by the
 " said sir Marmaduke Darell and his heires, either
 " to be laid out in fewel, corne, or otherwife, in
 " times of scarcitie or dearth. And concerning
 " the eleaven pounds, residue of the said yearly
 " rent of sixteene pounds, the same shall be im-
 " ployed and bestowed by the said William Ma-
 " thews, Robart Wallis, William Allen the eldere,
 " Henry Trumper, Thomas Newton, Christopher
 " Wastall, John Butterfeild, and George Tred-
 " way, and the survivors and survivor of them,
 " and their heires, in manner and forme following ;
 " that is to say, Uppon six several persons of the
 " poorest houſhoulders of the said parrishe, the in-
 " habitants for the time beinge in the tents or cot-
 " tages already erected to be first presented, if they,
 " or any of them, stand in neede thereof ; and the
 " said six poor persons to be nominated and
 " elected from time to time by the said sir Mar-
 " maduke Darell during his life, and after his
 " deceafe by the heires of the said sir Marmaduke
 " Darell, and in his or theire defaulte, by the
 " space of six months after notice to him or them,
 " then to be nominated by the said parfon in-
 " cumbent or curate resident, and the greater
 " number of the parrifhioners of Fulmer, beinge
 " householders for the time beinge ; the ſome of
 " eight pence to be delivered to each of them im-
 " mediately

" mediately after morning prayer and sermon
 " ended, if there be any, every sabeth-day, in the
 " chancel of the said parrishe-church of Fulmer
 " aforesaid; whereof to each such poore house-
 " houlder foure pence in money, and foure pence
 " in breade, amounting in all, by the yeare, to the
 " some of ten pounds eight shillings; and that
 " they shall yearly, on Michaelmas-eve, lay out
 " and bestow twelve shillings, residue of the said
 " some of sixteen pounds per ann. in and uppon
 " three paire of gloves, the one of the value of
 " six shilling, to be by them then presented and
 " delivered to the dean of the free chappel of St.
 " George in Windsor, patron of the said parische-
 " church of Fulmer, and one paire of the value
 " of three shillings, to be by them then presented
 " and delivered to the senior channon resident of
 " the free chappel of Windsor; and the other
 " paire of three shillings, to be by them alsoe pre-
 " sented and given to the parson incumbent or
 " curate resident of the said parrishe-church of
 " Fulmer aforesaid for the time beinge; uppon
 " this speciall trust and confidence reposed by the
 " said sir Marmaduke Darell in the said deane
 " and senior channon resident in Windsor afore-
 " said, that they, or any of them, will take the
 " paines, as often as need shall require, to visit
 " the said churche of Fulmer aforesaid, and to see,
 " from time to time, the severall trusts aforesaid
 " performed according to the true intent and
 " meaning of these presents. And it is further
 " concluded and agreed uppon, by and betweene
 " all the said parties to these presents, that a
 " ledger shall be kepte in the said parrishe-church
 " of Fulmer aforesaid by the parrishe-clark for
 " the time being, or some other fit person, to be
 " thereunto appoynted by the said sir Marmaduke
 " Darell and his heires, wherein the disbursements
 " and

" and payments made, and to be made, as afore-
 " said, shall be from time to time registered, and
 " all the persons names entered, that shall be
 " elected to receive, have, and take, any exhi-
 " bition or benefit out of the said sixteene pounds
 " per ann. aforesaid, to the end perfect accompts
 " thereof may be made up and perused on Mi-
 " chaelmas-eve yearly, by the said deane or senior
 " channon resident aforesaid at their visitation, or
 " in their defaulte, by the more number of the
 " parrishioners of Fulmer aforesaid, then and there
 " presente, and requiringe the same. And it is
 " agreed upon by and between all the said par-
 " ties, that the said parrishe-clark for the time
 " being, or such other fitt person to be thereto
 " elected as aforesaid, shall have and take to his
 " own use, for such his paynes to be taken in
 " keeping the said ledger-booke aforesaid, the
 " advantage and benefit arisinge yearly and grow-
 " inge from the baker upon delivery or sарvinge
 " in of the breade for the said poore as aforesaid.
 " And it is hereby further agreed upon, by and
 " betweene all the said parties to these presents,
 " that when foure or more of the said persons
 " and feoffees trusted shall be deade, the survivors
 " and survivor of them shall conveye and assigne
 " the reversion and inheritance of the said mes-
 " suage, lands, and premisses, with the appurte-
 " nances, together with the said yearly rent of
 " sixteene pounds, unto newe feoffees and their
 " heires, to be nominated and appoynted by the
 " said sir Marmaduke Darrell and his heires, whoe
 " are to stand seised thereof, to the uses, intents,
 " and purposes before-mentioned; and when foure
 " or more of the newe feoffees, hereafter to be ap-
 " poynted, shall be deade, then for ever hereafter,
 " as cause shall require, new assurances to be
 " made to other feoffees, to be from time to time
 " appoynted

" appoynted by the said sir Marmaduke Darell
 " and his heires, to the uses, intents, and pur-
 " poses aforesaid, and to noe other use, intent,
 " or purpose whatsoever. In witnes whereof, the
 " parties to these presents have hereunto inter-
 " changeably sett theire hands and seales, the day
 " and yeare first above written."

This copy is taken from an inrolment in chancery; and we doubt not your lordship will, upon examination, find it exactly agreeable to the original deed, which we have reason to believe was formerly lodged with the dean and chapter of Windsor; for when Dr. B—k, the senior canon, was applied to for an inspection of the charity-deed, he said, that there was such a deed among the writings belonging to the chapter, but it could not be seen, unless all the chapter were together, and he could not say when that would be. The mystery of this, we acknowledge, is above our comprehension, as it appears the chapter has no interest in this charity, otherwise than the dean and senior canon are to have each a pair of gloves, in confidence that they, or one of them, visit the church of Fulmer, and see, from time to time, the several trusts mentioned in the said deed performed, according to the true intent and meaning thereof; but we never heard that the dean or senior canon ever did visit.

Besides, we must further acquaint your lordship, that about two years after the execution of the above-mentioned charity-deed, we understand that sir Marmaduke Darell, in augmentation of this charity, gave 100l. more, which was laid out in a further purchase of lands in Iver parish; for it appears by a deed of bargain and sale, inrolled in chancery, bearing date the 24th of November, 7 Car. I. mentioned to be made between John White

White of Denham, in the county of Bucks, yeoman, of the one part; and William Mathews of Fulmer, in the said county, gentleman, Robert Wallis, Christopher Wastall, Thomas Newton, William Allen, Benjamin Trumper, and John Tredway, of Fulmer aforesaid, yeomen, in consideration of 100 l. paid by sir Marmaduke Darell to the said John White, by the direction of the said sir Marmaduke, conveyed the lands therein particularly mentioned to the said William Mathews, Robert Wallis, Christopher Wastall, Thomas Newton, William Allen, Benjamin Trumper, and John Tredway, to hold the said premisses to them, their heirs and assigns, for ever.

And we find, that shortly after, by indenture, bearing date the 20th of January, 7 Car. I. the said William Mathews, Robert Wallis, Christopher Wastall, Thomas Newton, William Allen, Benjamin Trumper, and John Tredway, in confidence of the trusts reposed in them, as it is expressed, demised the said new purchased lands to the said John White, his executors and administrators, for 1000 years, reserving to them, their heirs and assigns, a clear yearly rent of 5 l. 4 s. payable by half-yearly payments at Lady-day and Michaelmas.

Your lordship will please to observe, that this 5 l. 4 s. just augments the gift before-mentioned of 4 d. in money, and 4 d. in bread, to the six poor householders, to 6 d. in money, and 6 d. in bread; and this 5 l. 4 s. added to the 16 l. provided by the charity-deed, make the whole yearly income of this charity 21 l. 4 s. applicable to the several purposes above-mentioned.

And now we have given your lordship a fair account how we came to the knowledge of this charity, we beg leave to submit to your perusal the following remarks.

I. That all possible care seems to have been taken in the framing and establishing this charity upon the firmest foundation, that neither time or fraud should prevail against it. Trustees are constituted, both clergy and laity, and their power divided and diversified, so that they may be a mutual check upon one another, and thereby prevent any thing being done contrary to the express directions of the deed, which ought most certainly to be adhered to as the declared will of the donor. But notwithstanding all this precaution, experience hath taught us, that the wisest plans for perpetuating of charities may be broke through by men of subtlety, who find their advantage in doing it.

II. It is plain sir Marmaduke Darell in this charity had these four objects in his view; 1. The easing the parishioners in the repairs of the church. 2. The enabling poor children to learn trades, by which they might gain a livelihood, and become useful to the public. 3. The encouraging servants to behave well, by providing something for such as served seven years in their places in the parish. 4. The rendering the lives of the poor householders more comfortable, by having something independent of the parishioners. All which charities respecting the rich, as well as poor, of the parish, we think if no power had been given by the deed to the parishioners to inspect, they would unquestionably have had a right to see that the charity-money was faithfully disposed of to the several uses it was given.

III. The deed in no case gives the minister a power of acting alone: his power is joint, either with the church-wardens or with the parishioners; viz. with the church-wardens, in bestowing the 5 l. directed to be paid yearly by the trustees to him and them for the purposes as mentioned;

and

and with the parishioners in nominating of the poor householders, in case the heirs of sir Marmaduke Darell neglect to nominate in six months after notice ; and therefore the minister's assuming to himself the sole management of this charity for so many years, and nominating such poor householders as were likely to answer his own purposes the best, is contrary to the express meaning of the deed, and clearly an abuse thereof.

IV. That it was never intended this charity, either in the whole or part, should be kept in private, and from the knowledge of the parishioners ; for a ledger-book is directed to be kept in the parish-church by the parish-clerk, wherein the disbursements and payments of the charity-money are from time to time to be registered ; to the end perfect accompts thereof may be made up and perused on Michaelmas-eve yearly by the dean or senior canon at their visitation, or in their default, by the more number of the parishioners requiring the same. And we think the minister keeping the ledger-book at his own house is contrary to the directions of the deed, and therefore a manifest abuse.

V. The dean and senior canon have not power to settle the accompt in the ledger-book, but at the church of Fulmer upon a visitation, when, it must be presumed, they would examine the vouchers, and satisfy themselves from the parishioners that the charity-money had been fairly applied ; and therefore auditing the accompt of the payments and disbursements at Windsor, without the knowledge or consent of the parishioners, is repugnant to the express meaning of the deed.

VI. Neither the dean or senior canon has power to order any of the charity-money to be disposed of in any other manner than as the deed directs ; and therefore we think your lordship giving directions

to Mr. Willis to lay out 20 l. upon the church, without our approbation, as church-wardens, is not conformable to the true meaning of the deed.

VII. And if what we hear is true, that Mr. Willis got himself, upon a new conveyance, appointed one of the trustees, this, we apprehend, must be done with design the better to engross the entire management of the charity to himself; for it is not easy to conceive, by any construction, that sir Marmaduke Darell ever intended the minister should act in a double capacity; for this might be a means of weakening, if not destroying, the principal barrier made to preserve this charity from any abuse.

Thus your lordship sees, notwithstanding the difficulties we have had to encounter, we have at last come to a certain knowledge of this useful charity, which, for its excellency, may challenge most other charities in this kingdom, inasmuch as it relieves the poor, provides for youth, and rewards merit.

But to return to our narrative—After this charity-deed had been so read, and explained to the parishioners, at the vestry, on the 15th of November last, as before-mentioned, it was then agreed upon by them, that in case Mr. Willis neglected to deliver the ledger-book to the clerk, pursuant to the notice given him as above-mentioned, and refused to submit his accompts to be properly and fairly examined, in the presence of the parishioners, at a meeting for that purpose, a suit should be instituted to compel him to it. Mr. Willis being informed of what had passed at this vestry, which no doubt greatly alarmed him, as he wholly depended upon the improbability of the parishioners ever coming at a knowledge of the charity-deed, he thought it would

would be in vain to oppose us any longer; and therefore, under a pretence of making us acquainted with the charity, which he must be sensible we then knew, he sent for us to shew us the deed, and the ledger-book; and we looked into the same, and found, according as he had stated the accompts of the payments and disbursements, there was a balance of 47 l. in his hands, or thereabouts; but no vouchers were produced of what had been laid out upon the church, or any offer made that the same should be examined by the parishioners, as we think they ought to be, as being the best judges of what has been done to the church.

Soon after we communicated this to several of the parishioners, who were of opinion, it was proper, in the situation of the affair, to have a meeting of the parishioners, to inspect the ledger-book and the state of the accompts, in order that the same might be examined, and the money in hand applied to the uses it ought regularly to have been applied before; and with this view it was that one of us waited upon Mr. Willis to acquaint him with our intention of having a vestry for the purposes aforesaid. But he did not approve of any such thing, saying, we might come to his house, and see the accompts there; and upon being told, that was not a proper place to transact such kind of business in, and if he did not chuse to be at the vestry, he might send the ledger-book and his accompts by the clerk or his servant, and the parishioners would expect he should do it.

Accordingly on the Sunday following notice was given of a vestry to be held on the then next Tuesday, the 20th of December, when we, and several others of the parishioners, were there; but Mr. Willis neither attended, or sent the ledger-book, or any excuse for not doing it; but on the other

other hand, the clerk gave the parishioners present to understand that the ledger-book would not be produced at the church, and that Mr. Willis would never more attend a vestry.

We must confess to your lordship, that the unwillingness Mr. Willis has long discovered to have this charity looked into, and now his backwardness in having his accompts undergo a public and fair examination at a vestry, by such of the parishioners who are best able to judge of their fairness, creates, not only in ours, but in the minds of others, suspicions greatly to his disadvantage. We are sensible what is required is highly reasonable, and conformable to the deed, which gives the power of inspecting the accompts of the payments and disbursements, in default of the dean and senior canon visiting, to the parishioners; and we think too, that as there are gentlemen in the parish better qualified than ourselves to judge of this matter, we ought to have their assistance upon this occasion, and the sooner we could have the accompts examined the better; for we apprehend that if any accident should happen to Mr. Willis, the parishioners may meet with more difficulty in settling with his representative, for many reasons, which we shall not trouble your lordship with.

Besides the balance in hand, according to the state of the accompt shewn us at Mr. Willis's house, which we cannot in any sort allow to be right, 'till fairly examined, and authenticated by a production of the vouchers, there will be, next Lady-day, a whole year's rent due; but we can by no means subscribe to Mr. Willis's opinion, that it is necessary to keep any of this charity-money in hand, as he told one of the parishioners, to provide against the accident of the roof of the church being blown off; it being a remarkable firm building, and perhaps from its situation the least

least exposed to such an accident of any church in England. Nor can we agree with Mr. Willis, however convenient it may be to him, that any of the charity-money should be withheld from the poor, or those intitled to the benefit of this charity ; nay, we are fully convinced sir Marmaduke Darell intended that all the several charities mentioned in the deed should take place from year to year, as the money should be found sufficient to answer them ; and we can see no reason why the two servants who petitioned your lordship should not have the gift, they having, by their service, as we apprehend, acquired a right to the same. It is clear to us, had the money which has accumulated by Mr. Willis's œconomy been applied as it ought, in apprenticing out boys, and rewarding servants, many might, in the space of twenty-five years, have received the benefit of this charity, not only to their own emolument, but to that of the parish, which, at this time, is very heavily burdened with the poor, in comparison of what it was some years ago.

And we must not forget to mention too, that though it may have been very agreeable to Mr. Willis to have from time to time the sole nomination of the poor householders, as vacancies happened by death, and he may have had interested views in doing it ; yet we think as sir Marmaduke Darell's heir is unknown, at least to us, the nomination ought to be made, for the time to come, conformable to the directions of the deed, by the minister and the parishioners, without any favour or partiality ; and, we are sorry to say it, a recent instance makes us wish this the more earnestly ; for a very honest farmer above seventy-five years of age, who having lived in the parish upwards of fifty years, and by the sweat of his brow contributed his proportion to the maintenance of the poor,

poor, is, by misfortunes and old age, become truly a deserving object of this charity ; but upon a late vacancy, he was cruelly postponed to make way for another, who has little or no pretensions to this charity; only he was a favourite of the minister, and therefore must have it, in preference to this worthy old man ; but we apprehend that this nomination being irregular, it may be altered, and that the poor old farmer may still have justice done him.

It is true, there are other particulars we might mention to your lordship, to shew how unfairly the parishioners have been dealt with in this affair ; yet to avoid the imputation of having the least ill-will to Mr. Willis, we shall forbear to enumerate them, contenting ourselves with laying before your lordship a plain but true detail of such facts only as are necessary to enable your lordship to form a right judgment of this matter ; for as on the one hand we are desirous, while we continue church-wardens, to discharge our duty with honour and integrity, so on the other, we should be exceeding sorry to give any just cause of offence to any one.

However, it may not be improper to acquaint your lordship, that we are not unapprized how difficult it is for persons of high rank and fortune to view the rights of poor individuals in their true light ; for what may seem to the rich and opulent a mere trifle, and unworthy their notice, is oftentimes to the necessitous their chief support. And if sir Marmaduke Darell's charity should appear too insignificant to deserve much of your attention, we are nevertheless very sensible of the great utility of it to the parish of Fulmer ; and, if managed with due care for the future, may be accompanied with greater benefits to the parishioners than it has been of late years.—Your lordship

Lordship may have been deceived, but we will not suppose you in any sort disposed to obstruct an inquiry into the abuse of this charity. Indeed it has been intimated in the parish, that your lordship persuaded Mr. Willis not to shew his accompts to the parishioners; but we do not know how to give credit to so bold an assertion. We rather think this tale has been artfully propagated with the same cunning purpose as other such like inventions, industriously set on foot to stifle, if possible, all inquiry into the application of the charity-money; but the parishioners are not so easily to be cajoled: they see clearly through the intended delusion, and will no longer be amused by such subterfuges: they think what they require is altogether just and reasonable, and they are determined to have the accompt of payments and disbursements of this charity, for twenty-five years past, carefully examined by those capable of doing it to their satisfaction. The mere producing the ledger-book at the minister's house may pass with the ignorant as sufficient; but with those who are more conusant in the wiles of men, such low evasion rather helps to increase than diminish the suspicion, that all is not right. But notwithstanding the parishioners resolution, they are very unwilling to commence a suit to compel an accompt of this charity, if they can possibly obtain it by any other means. Perhaps your lordship may ask, What is it we would desire to have done in this affair? We answer, These four things.

I. That Mr. Willis may deliver to John Green, the parish-clerk, the ledger-book, to be by him kept in the church of Fulmer for the time to come, ready to be produced for the use of the church-wardens and parishioners, agreeable to the direction of the charity-deed.

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II. If

II. If your lordship thinks it incompatible with your dignity to visit, and, in the presence of the parishioners, to examine into and correct the abuses of the charity, that then you will enjoin Mr. Willis to submit his accompts of the payments and disbursements to be fairly examined, for the time he has had the receipt of the charity-money, by the parishioners, at a meeting, to be had upon due notice at the church, for that purpose.

III. And when Mr. Willis's accompts have been so examined, and it appears what money remains as a balance in his hands to be disposed of, that the same may be applied, as soon as possible, to those uses it ought regularly to have been before applied agreeable to the charity-deed; viz. in apprenticing out poor boys, and rewarding servants who have served seven years in their places in the parish. But as to the repairs of the church, we think the accruing rent will be very sufficient for that and the other charities.

IV. And that the charity, for the time to come, be put upon a right footing in all respects, and the yearly income be applied, as it ought to be, with the knowledge of the church-wardens and parishioners, conformable to the intention of the donor.

Surely, my lord, these things are reasonable in themselves; and we cannot conceive there can be any objection made to them, unless that such a compliance may bring the hidden things to light, and manifest that which some may think better buried in oblivion. But justice to the poor, to the venerable name of sir Marmaduke Darell, and to the public, must supersede all private considerations; and that justice requires that this excellent charity should be preserved, for the benefit of the poor, to the latest ages, in all its parts, agreeable to the generous and noble design of the founder.

We

We beg your lordship's pardon for having taken up so much of your time ; but the sentence which you was pleased to pronounce upon this charity, intended to be open to the inspection of the parishioners, made it necessary for us to explain ourselves fully upon it ; and we hope what we have said will meet with your lordship's approbation, inasmuch as you would thereby be enabled to discover how and in what manner you was led into so great mistakes about this charity. But before we conclude, we beg to observe, That though sir Marmaduke Darell might reasonably expect, that the clergy, as it is their peculiar province, not only to preach but to do the works of charity, would not require any reward for their trouble of acting, yet he has very genteely provided money for the dean, senior canon, and minister ; but we think he could not mean they should receive it, unless they acted conformable to the trusts reposed in them respectively ; and we, with great humility, submit to your lordship's consideration, as the charity has been managed, the glove-money ought now to be applied to the use of the poor, which, we suppose, your lordship and the senior canon will have no objection to ; but as to the minister, he, having had so long the benefit of the poor's money, we think, he is in no sort intitled to any consideration whatever. We are, my lord, with profound respect,

Your Lordship's

22 Feb. 1769.

Most obedient humble servants,

RICHARD ROBINSON,
DANIEL BODDY.

F I N I S.

E R R A T A.

Page 4, line 17, for *Petitioner*, read *Petitioners*.

Page 9, line 17, dele the word *the*.

Page 10, line 11, dele the word *great*.

Page 14, line 11 from the bottom, for, *that a ledger shall be kept, &c.*

Page 14, line 11, *a ledger book shall be kept, &c.*

Page 15, line 1, *Green*, read *John Grove*.



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